

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL ALEXANDER WESCOTT,

Plaintiff,

v.

ERIC REISNER,

Defendant.

Case No. [17-cv-06271-EDL](#)

**ORDER DENYING PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT
JUDGMENT**

Re: Dkt. No. 80

Plaintiff Carl Wescott moves for default judgment against Defendant Eric Reisner on his embezzlement, fraud, misappropriation of trade secrets, and breach of fiduciary duty claims. Plaintiff argues that Defendant has failed to comply with court orders, discovery, and filing obligations. This is Plaintiff's second motion for default judgment.

In deciding whether to enter default judgment against a party as a sanction for litigation conduct, the court weighs five factors:

(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to [the plaintiff]; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.

Adriana Int'l Corp. v. Thoren, 913 F.2d 1406, 1412 (9th Cir. 1990) (quoting Malone v. U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)).

On January 23, 2019, the Court denied Plaintiff's first motion for entry of default in part because the Court had not yet attempted to engage Defendant through less drastic sanctions. Since the Court's order on that motion, Defendant has fully participated in the case. The balance of factors weighs against default judgment. The Court **DENIES** Plaintiff's motion.

IT IS SO ORDERED.

Dated: April 26, 2019


ELIZABETH D. LAPORTE
United States Magistrate Judge